

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claims 47-48, 53-54 and 66 have been cancelled. Claim 67 has been added. Claims 51 and 64 have been amended to yet more clearly define the present invention. Claims 56 and 59 have been amended to provide their proper dependency. The allowed claim 65 has been amended to provide for uniformity of terminology used in the claims.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

Claim 51 has been amended to incorporate therein the subject matter of claim 57, which was indicated as being allowable upon having been rewritten in independent form to include all of the limitation of the base claim and any intervening claim(s). Adding the subject matter of claim 57, which is dependent on claim 51, to claim 51 is the same as rewriting claim 57 in independent form. Accordingly, it is respectfully submitted that claim 51 and claims 52, 55 and 58-63, dependent on claim 51 directly or indirectly, are in condition for allowance.

It is respectfully submitted that claims 56, 64 and 67 are likewise allowable.

The Examiner rejected Claim(s) 51,52,55,58-63, and 66 under 35 U.S.C. §103(a) as being unpatentable over Bell, WO 98/57180 (Bell) in view of Wood et al., U.S. Patent No. 6,670,607 (Wood). Claims 53, 56 and 64 together with Claims 47,48 dependent on Claim 64, were rejected as Claims above and further in view of Matteson, U.S. Patent No. 4,697,457 (Matteson.). It is respectfully submitted that claims 56,64,67 are patentable over the cited references.

Specifically, claims 64 and 67 both recite a capacitive measuring sensor which is associated with a memory location and/or volume for a specimen and is connected to a capacitive measuring circuit for a capacitive measurement, and which has capacitor plates which are formed of the same material the specimen carrier or the tip or syringe is made of.

The foregoing novel features of the present invention is not disclosed or suggested in the prior art, including all of the prior art of record in this application. Considering the prior art, neither Bell nor Wood disclose or suggests a tip or syringe provided with a capacitive measuring sensor which has capacitor plates to measure the volume of at least one specimen. A method of tempering and measuring a volume of specimen capacitively by connecting the capacitor plates to

a capacitance measuring circuit is also not disclosed or suggested in the foregoing references.

Matteson discloses an automated interfacial tensiometer provided with a capillary tip and an electrometer to measure the total electrical charge per drop and the frequency of drop formation/detachment. The capillary (3) is metallic and connected to the voltage source (12) by a conductor (13). The pool (9) of the heavier liquid is grounded through the conductor (15) and the electrometer (16) to the ground connection (17) (column 4, lines 41 – 50).

However, Matteson does not teach or suggest a tip or syringe provided with capacitor plates for a capacitive measurement of a probe within the tip or syringe.

Since all claim limitations must be considered in an obviousness determination, and since the combination of Bell, Wood, and Matteson fails to disclose several of the important and recited elements and features of independent claims 64 and 67, it is respectfully submitted the present inventions, as defined by claims 64 and 67, are not rendered obvious by the combination of Bell, Wood, and Matteson and are, therefore, patentably defined over said combination.

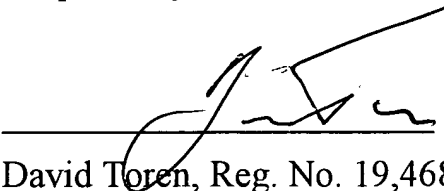
Claim 56 depends on claim 67 and is also respectfully submitted to be allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United State Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on May 26, 2005



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